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Client/Matter: 060258-0290791

REMARKS

Reconsideration and allowance of the present patent application based on the foregoing amendments and following remarks are respectfully requested. Since this Amendment is being presented together with a Request for Continued Examination, entry of this Amendment is respectfully requested.

By this Amendment, claims 1, 13, 18, 19 and 21 are amended and claim 25 is newly added. Support for the amendments to claims 1, 13, 18 and 19 and new claim 25 may be found throughout the specification. No new matter has been added. Accordingly, after entry of this Amendment, claims 1-25 will remain pending in the patent application.

Claims 1-14 and 18-24 were rejected under 35 U.S.C. §102(e) based on Joyce *et al.* (U.S. Pub. No. 2004/0077334) (hereinafter "Joyce '334"). Claims 15-16 were rejected under 35 U.S.C. §103(a) based on Joyce '334. Claim 17 was rejected under 35 U.S.C. §103(a) based on Joyce '334 in view of Barnes *et al.* (U.S. Pat. No. 6,711,147) (hereinafter "Barnes"). Applicant respectfully traverses these rejections because Joyce '334 because Joyce '334 (in its explicit, published disclosure) and Barnes, taken alone or in combination, fail to disclose, teach or suggest all the features recited in the rejected claims.

Applicant previously argued in Applicant's Response of February 3, 2005, that Joyce '334 is not a prior reference under 35 U.S.C. §102(e). 35 U.S.C. §102(e)(1) states that "a person shall be entitled to a patent unless (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the application for patent." (Emphasis added). Applicant notes that the filing date of Joyce '334 is October 15, 2003, whereas the filing date of the present application is April 2002. Therefore, Applicant's filing date clearly antedates Joyce '334's filing date. As such, Joyce '334 is not prior art under 35 U.S.C. §102(e).

In response to that argument, the Office Action argued that "the filing date of Joyce claims priority to provisional application no. 60/100,440, filed on Sept. 15, 1998 and provisional application no. 60/100,470, filed on Sept. 15, 1998." The Office Action concluded "therefore, Joyce '334 is considered prior art." However, the Office has failed to effectively argue that Joyce '334 expressly teaches the claimed invention for the reasons explained herein. In other words, the express disclosure of Joyce '334 fails to enable the rejected, claimed subject matter. If the Office is asserting that one or both of the provisional application actually teach this missing subject matter, the Office must provide additional details relating to the provisional applications' disclosures.

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Joyce '334 and Barnes, taken individually or in combination, do not disclose, teach or suggest "a method of determining services accessible via a subscription having an account and at least a first limit in a communication system, the method comprising defining at least a first set of services and a second set of services to be used with the subscription, each set of services defining services accessible via the subscription; comparing the balance of the account with the first limit; using the first set of services when the balance of the account does not reach the first limit; and using the second set of services when the balance reaches the first limit", as recited in claim 1 and its dependent claims. In addition, Joyce '334 and Barnes, taken individually or in combination, do not disclose, teach or suggest "a communication system providing a subscription with an account and at least a first limit, the communication system comprising a first node monitoring the balance of the account, wherein the communication system comprises memory for storing definitions of at least a first set of services and a second set of services to be used with the subscription, each set of services defining services accessible via the subscription; and the communication system is arranged to compare the balance with the first limit and to allow access to the first set of services when the balance has not reached the first limit, and to allow access to the second set of services when the balance has reached the first limit", as recited in claim 13 and its dependent claims.

Similarly, Joyce '334 and Barnes, taken individually or in combination, do not disclose, teach or suggest "a network node in a communication system providing a subscription with an account and at least a first limit, the network node being arranged to monitor the balance of the account, wherein the network node is arranged to compare the balance with the first limit and to allow access to a first set of services when the balance does not reach the first limit, and to allow access to a second set of services when the balance reaches or has reached the first limit, both sets of services defining services accessible via the subscription", as recited in claim 18. Likewise, Joyce '334 and Barnes, taken individually or in combination, do not disclose, teach or suggest "a network node in a communication system providing a subscription with an account and at least a first limit, the network node being arranged to monitor the balance of the account, wherein the network node is arranged to communicate with a second network node; to compare the balance with the first limit; and to indicate to the second network node which set of services from among at least two different sets of services defined for the subscription is the allowed set of services on the basis of said

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comparison, each set of said at least two different sets of services defining services accessible via the subscription", as recited in claim 19 and its dependent claim.

Moreover, Joyce '334 and Barnes, taken individually or in combination, do not disclose, teach or suggest "a network node in a communication system providing a subscription, wherein the network node is arranged to receive from the communication system an indication indicating the use of a certain set of services from among at least two different sets of services defined for the subscription, each set of said at least two different sets of services defining services accessible via the subscription; and in response to receiving the indication to provide access only to services included in the indicated certain set of services", as recited in claim 21 and its dependent claims.

The express teachings of the disclosure of Joyce '334 merely relate to a method of providing pre-authorized communication services and/or transactions via a plurality of networks, including accepting and processing a request from a user to provide at least one of a communication service. (See Abstract and paragraphs [0014]-[0017]).

However, unlike the present invention, Joyce '334 fails to disclose, teach or suggest a subscription with a first limit. Applicant notes that the Office Action has failed to identify where Joyce '334 discloses such a feature. Paragraphs [0017], [0023] and [0014], referred to by the Office Action, merely state that the account must have a sufficient value (balance) to pay for the service. However, that is different from comparing a balance of an account to a first limit because the sufficient value of Joyce '334's account depends on the service. Furthermore, paragraph [0059] merely discloses an access card that permits expenditures up to a predetermined level. However, an expenditure card is not a subscription.

In addition, unlike the present invention, Joyce '334 fails to disclose, teach or suggest defining a first set of services and a second set of services. Although Joyce '334 discloses different kinds of services, Joyce '334 does not disclose, teach or suggest that the services are grouped into different sets of services, as in the present invention. Paragraphs [0096]-[0098] in Joyce '334 merely describe that a multi-party call conferencing, requiring prior authentication of account and PIN numbers before establishing a call, and a subscriber-billed voice mail service with password-access administration are provided, and that card user information on balance and the possibility to transfer funds to the user's telephone account are provided. However, these different services are listed as separate services. As such, they are not grouped together to form a set of services or sets of services.

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The Office Action appeared to construe a depositing service as a second set of services defining services accessible via the subscription. Applicant respectfully disagrees. A single service is not a set of services comprising more than one service.

With respect to claims 2 and 23, although Joyce '334 teaches that destination digits are translated into the internet address where a call is routed, Joyce '334 is completely silent as to access point names defining where and how to connect the user of the subscription, which access point name is selected when a connection is activated.

With respect to claim 3, Applicant respectfully submits that Joyce' 334 is silent about firewalls. Paragraph [0114] merely discloses how to provide e-commerce investment trading, auction bidding and travel purchases to users of PIN access cards.

With respect to claim 4, Joyce '334 merely teaches that a list of allowed numbers exists. However, Joyce '334 fails to disclose, teach or suggest that the allowed numbers are defined for a certain set of services. The Office Action appears to have construed the PIN numbers as addresses. Applicant respectfully disagrees. Joyce '334 clearly teaches that PIN numbers are personal identification numbers.

With respect to claim 5, Joyce '334 is totally silent about charging characteristics and using characteristics to indicate the usable set of services. Paragraph [0074] merely discloses that a prepaid subscription exists. Paragraph [0078] merely discloses that calls to certain numbers are toll free. Paragraph [0098] merely discloses that a user may use different payment methods when adding money to his account.

With respect to claims 8 and 22, Applicant respectfully submits that informing a user of different payment methods in a depositing service does not teach or suggest informing a user on different services.

With respect to claims 9 and 10, paragraph [0028] merely discloses prepaid and postpaid functionality. Paragraph [0070] discloses that the subscriber can inquire about billing information, such as balance information. Paragraph [0074] discloses that prepaid billing allows the subscriber to pay in advance for a fixed dollar amount of services. These paragraphs fail to disclose a maximum amount of a bill to a postpaid subscriber and a preset minimum value of an account to a prepaid subscriber.

With respect to claim 14, paragraph [0094] of Joyce '334 merely discloses what happens during a call establishment to a certain destination. However, this is not the same as connection activation and indicating which set of services is to be used with the connection. In addition, preventing simultaneous PIN/account usage as taught by Joyce '3334 in

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paragraph [0095] does not disclose triggering the deactivation of the connection when the first time limit has been reached if the first set of services was the set that was usable when the connection was activated.

With respect to claims 15 and 16, paragraph [0114] fails to disclose, teach or suggest that a node is directed to set one of the sets of services as the allowed set of services. In addition, Joyce '334 teaches that the radius server is used in authentication of the user, not as a server maintaining subscriber information.

Additionally, Barnes fails to remedy these deficiencies of Joyce '334 because Barnes merely discloses a network, system and method for merging a packet service such as GPRS with a mobile IP. Therefore, any reasonable combination of Joyce '334 and Barnes cannot result in the invention of claims 1-24. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

Claim 25 is newly added and defines additional subject matter that is novel and non-obvious over the art of record. Claim 25 is patentable over the art of record for at least similar reasons as discussed above. Accordingly, Applicant respectfully submits that claims 1-25 are in condition for allowance.

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

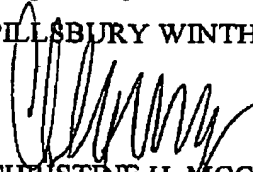
The rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited

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Respectfully submitted,

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